

SOIL CONSERVATION DIVISION[27]

Adopted and Filed

Pursuant to the authority of Iowa Code section 161A.71(3)“a,” the Division of Soil Conservation hereby amends Chapter 101, “Organization and Purpose,” Chapter 102, “Rules of Practice,” Chapter 103, “Appointment and Terms of Members,” Chapter 104, “Local Watershed Improvement Committees,” Chapter 105, “Watershed Improvement Grant Program,” and Chapter 106, “Watershed Improvement Fund,” Iowa Administrative Code.

The amendments conform the rules to statutory changes by clarifying the eligible applicants and specifying the water quality impairments that can be addressed. Technical changes are also made.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0927C** on August 7, 2013. No comments were received from the public. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code section 466A.2 and 2013 Iowa Acts, House File 648, section 23.

These amendments will become effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 27—101.1(466A) as follows:

27—101.1(466A) Watershed improvement review board composition. The watershed improvement review board shall be comprised of one member of from each of the following entities: the Agribusiness Association of Iowa; ~~one member of the Iowa Association of Water Agencies~~; ~~one member of the Iowa Environmental Council~~; ~~one member of the Iowa Farm Bureau Federation~~; ~~one member of the Iowa Pork Producers Association~~; ~~one member of the Iowa Rural Water Association~~; ~~one member of the Iowa Soybean Association~~; ~~one member representing the soil and water conservation districts of Iowa~~; ~~one member of the Iowa Association of County Conservation Boards~~; ~~one person representing the department of agriculture and land stewardship~~; and ~~one person representing the department of natural resources~~.

Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. The four members of the general assembly serve as ex officio, nonvoting members.

These members are appointed according to Iowa Code ~~Supplement~~ section 466A.3. The board is ~~responsible for administering grants to local watershed improvement committees awards grants and soil and water conservation districts to promote watershed protection efforts~~ monitors the progress, assists with the development of monitoring plans for local watershed improvement projects, and reviews costs and benefits of mitigation practices utilized by a project.

ITEM 2. Amend rule 27—101.8(466A) as follows:

27—101.8(466A) Technical assistance. The board shall elicit the expertise of other organizations for technical assistance in the work of the board. The organizations may include but are not limited to all of the following: the State University of Iowa; the Iowa State University of Science and Technology; the U.S. Geological Survey; the U.S. Department of Agriculture, Agricultural Research Service, National Soil Tillage Laboratory for Agriculture and the Environment; the U.S. Department of Agriculture, Natural Resource Conservation Service; the Leopold Center for Sustainable Agriculture; the Iowa Association of Municipal Utilities; the Iowa chapter of the American Waterworks Association; the Iowa Water Pollution Control Association; the Iowa League of Cities; the Iowa Cattlemen’s Association; the Iowa Association of Business and Industry; the Iowa Environmental Health Association; the Iowa Corn Growers Association; the Iowa Poultry Association; the Iowa Farmers’ Union; and the Iowa Land Improvement Contractors Association.

ITEM 3. Amend **27—Chapter 101**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

ITEM 4. Amend rule **27—102.1(466A)**, definition of “Eligible applicant,” as follows:
“*Eligible applicant*” means a nonprofit organization authorized by the secretary of state; ~~or~~ a soil and water conservation district; a public water supply utility; a county; a city; or a county conservation board.

ITEM 5. Amend rule 27—102.2(466A) as follows:

27—102.2(466A) Public information. The public is invited to obtain information or make informal requests of the board by addressing these matters, either orally or in writing, to the chairperson of the Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319; ~~(515)281-6153~~, or from the department’s Web site at www.iowaagriculture.gov/IWIRB.asp.

ITEM 6. Amend **27—Chapter 102**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

ITEM 7. Amend **27—Chapter 103**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

ITEM 8. Amend rules 27—104.3(466A) to 27—104.5(466A) as follows:

27—104.3(466A) Governmental entities. A federal, state or local governmental entity may not be a recipient of a grant from the board, with the exception of a soil and water conservation district, public water supply utility, county, county conservation board, or city. A federal, state or local governmental entity may partner with ~~a committee~~ an eligible applicant to implement a local watershed project.

27—104.4(466A) Responsibilities. A committee or an eligible applicant shall be responsible for application for and implementation of an approved local watershed grant, including providing authorization for project bids and project expenditures under the grant.

104.4(1) The committee or an eligible applicant shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals or at a frequency set forth in the grant agreement regarding the progress and findings of the project.

104.4(2) The committee or an eligible applicant shall provide ~~monitoring~~ oversight data before, during, and after the project’s completion.

27—104.5(466A) Audit. A committee or an eligible applicant receiving a grant from the board may be subject to an audit performed by the auditor.

ITEM 9. Amend **27—Chapter 104**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

ITEM 10. Amend rule 27—105.1(466A) as follows:

27—105.1(466A) Program purpose. The board shall issue grant awards to eligible applicants to address water quality impairments including but not limited to agricultural runoff and drainage; stream bank erosion; municipal discharge; stormwater runoff; unsewered communities; industrial discharge; ~~or~~ livestock runoff; structures and conservation systems for the prevention and mitigation of floods within the watershed of the project; or removal of channels of waterways to allow waterways to meander.

ITEM 11. Amend subrule 105.2(6) as follows:

105.2(6) Grant awards shall be for not more than ~~three~~ five years and may be extended for an additional five years after the date that the original period would have ended. Each local watershed improvement grant awarded shall not exceed 10 percent of the funds appropriated to the board. A grant recipient shall not be precluded from applying for future grant awards. Grant awards given by the board

to an eligible applicant will have the full amount of awarded watershed improvement funds set aside for the entire project length when initially awarded.

ITEM 12. Amend rule 27—105.4(466A) as follows:

27—105.4(466A) Reports.

105.4(1) Eligible applicants that have been awarded a grant by the board shall submit ~~a written and an~~ electronic report at six-month intervals. This report shall include but not be limited to a statement of expenditures; progress toward performance measures established in the grant agreement; progress toward deliverables established in the grant agreement; monitoring methods and results; and the time line for project completion.

105.4(2) Eligible applicants that have been awarded a grant by the board shall submit a final ~~written and~~ electronic report at the conclusion of the grant agreement. This report shall include but not be limited to a final statement of expenditures; performance measures established in the grant agreement; deliverables established in the grant agreement; monitoring methods and results; and findings of the project.

ITEM 13. Amend **27—Chapter 105**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

ITEM 14. Amend **27—Chapter 106**, implementation sentence, as follows:
These rules are intended to implement Iowa Code ~~Supplement~~ chapter 466A.

[Filed 9/11/13, effective 1/1/14]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.